

**NOTICE OF CONTRACT AMENDMENTS – CLAUSE 13.2 and CLAUSE 24
UNIFIED CONTRACT STANDARD TERMS**

Amendments to the Unified Contract Civil Specification

The Community Legal Service (Funding) (Amendment) Order 2010 and the Community Legal Service (Financial) (Amendment) Regulations 2010 were laid before Parliament on 25 January 2010 and come into force on 15 February 2010.

As a consequence, and following consultation, it is necessary to amend the Contract to reflect changes to legislation.

The amendments to the Unified Contract Civil Specification will come into force from 00.01 am on 15 February 2010:

In particular the following amendments to the Unified Contract Immigration Category Specific rules will come into force:

Paragraph 11.2 ‘Controlled Work paid at Hourly Rates’

Delete paragraphs 11.2(d) and 11.2(e) and replace with:

11.2(d) Advice in relation to the merits of lodging an application for permission to appeal to the Upper Tribunal (where advice has not been received under Stage 2 of the Graduated Fee Scheme);

11.2(e) Controlled Legal Representation in relation to an application for permission to appeal and appeals before the Upper Tribunal;

Add paragraphs as follows

11.2(l) Cases remitted from the Court of Appeal, Upper Tribunal or First-tier Tribunal to the Upper Tribunal or the First-tier Tribunal.

11.52 Delete “a substantive appeal to an Immigration Judge” and replace with “an appeal before the First-tier Tribunal”.

Paragraphs 11.54 to 11.64 are deleted and replaced with:

Application to appeal to the Upper Tribunal from a decision by the First-tier Tribunal

11.54 Where an application for permission to appeal to the Upper Tribunal is:

- (a) being dealt with under the UKBA detained Fast Track processes: or
- (b) has been lodged by the UKBA.

You may claim reasonable costs for work associated with the application, irrespective of whether permission is granted or not.

11.55 Intentionally deleted and not used.

11.56 In relation to all other cases not listed in 11.54, where an application for permission to appeal to the Upper Tribunal has been successful, then you may claim your reasonable costs for work associated with the application.

Where an application for permission to appeal to the Upper Tribunal has been refused then you may not claim your costs from us.

You will need to reconsider the relevant merits of the case at each stage of the proceedings.

11.57 Where an application in the circumstances of Paragraph 11.54 has been successful then the further reasonable costs for the preparation of, travel to, waiting and representation at the Upper Tribunal hearing (including any Counsel's fees and Disbursements) may be claimed. This is remunerated at the Hourly Rates set out in Table 8(a) of the Payment Annex.

Controlled Work undertaken before the Upper Tribunal

11.58 Where an application in the circumstances of Paragraph 11.56 has been successful and the Matter is to be heard before the Upper Tribunal then the further reasonable costs for the preparation of, travel to, waiting and representation at the Upper Tribunal hearing (including any Counsel's fees and Disbursements) may be claimed. In these cases the Hourly Rates set out in Table 8(b) of the Payment Annex apply.

11.59 Where an application in the circumstances of Paragraphs 11.54 or 11.56 has been successful and the Matter has been remitted to the First-tier tribunal then the Matter will be funded as set out at 11.2(l) of this Specification and remunerated at the Hourly Rates set out in Table 8(a) of the Payment Annex.

11.60 Intentionally deleted and not used.

11.61 Intentionally deleted and not used.

11.62 The costs of interpreters and experts instructed in connection with the preparation of an application for permission to appeal to the Upper Tribunal are claimable irrespective of whether permission is granted or not.

Transitional arrangements
Add:

11.63 Transitional provisions are contained in Schedule 4 of the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010.

11.64 Intentionally deleted and not used.

11.108(b) amend as follows:

Under Controlled Legal Representation you can provide representation for Clients before the AIT First tier Tribunal and Upper Tribunal of the Immigration and Asylum Chamber. ~~and in connection with an application for~~

~~review to the High Court and a subsequent reconsideration by the AIT under section 103A of the NIA 2002.~~

Delete paragraph 11.114 and replace with

11.114 In relation to an application for permission to appeal to the Upper Tribunal against the decision of the First Tier Tribunal you must inform the advocate where payment is conditional upon paragraph 11.56.

Delete paragraph 11.135

Amend paragraph 11.150 as follows:

11.150 There is no right of review of a decision to refuse or withdraw Controlled Legal Representation in connection with an application for permission to appeal from the First-tier Tribunal to the Upper Tribunal, where the costs are at risk (see paragraph 11.56) ~~under section 103A of the NIA 2002, which is subject to a cost order under section 103 D of that Act and Paragraph 11.146~~ does not apply in respect of such decisions.

All other references in the specification to the Asylum and Immigration Tribunal (AIT) should be read as First- tier and Upper Tribunal of the Immigration and Asylum Chamber except in relation to 11.91 where reference to the 'AIT' should read as 'Upper Tribunal'.

References to "application for reconsideration" should be read as "application for permission to appeal from the First-tier Tribunal to the Upper Tribunal".

All remaining references to "an application for a review under s.103A of the NIA 2002" should be read as "an application for permission to appeal from the First-tier Tribunal to the Upper Tribunal".

The Unified Contract Civil Specification will be amended further to include consequential changes to terminology resulting from the introduction of the above Orders and to reflect the amendments to Section 11 as referred to above.

The complete amended Unified Contract Civil Specification will be available on the LSC website.

Date: 28th January 2010